

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action dated October 9, 2003. At the time of the Office Action, Claims 1-2, 4-6, 8-46, 48, 50 and 52-59 were pending. Applicant has amended Claim 1. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case. Applicant has responded to each notation by the Examiner.

Section 112 Rejections

The Examiner rejected Claims 1-2, 4-6, and 8-18 under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicant has amended Claim 1 in response to the Examiner's rejection and Applicant believes that Claim 1 is definite. Claims 2, 4-6, and 8-18 were rejected by the Examiner because they depended upon rejected Claim 1. Thus, all of these claims should now be deemed allowable because Claim 1 is definite.

Section 103 Rejections

The Examiner rejected Claims, 1-2, 4-6, 8-13, 15-27, 29-41, 43-46, 48, 50, 52-53, and 58 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,905,736 issued to Ronen et al. ("*Ronen*") in view of Weber. The Examiner rejected Claims, 14, 28, 42, 54, 55, 56, 57, and 59 under 35 U.S.C. §103(a) as being unpatentable over *Ronen* in view of *Weber* as applied to claim 13, and further in view of Elgamal. Applicants respectfully traverse these rejections.

Claim 1 recites a processor which is operable to "determine whether the financial transaction involves a micro-payment", and to then handle the transaction in one of two different ways, depending on whether or not it was determined that the transaction involves a micropayment. Specifically, if the transaction involves a micropayment, a third message indicating authorization of the financial transaction is generated but if the transaction does not involve a micropayment, then an authorization request is generated. While other actions could be taken based upon whether a micropayment is involved, the claims at least recite generating an authorization request if no micropayment is involved and generating a message indicating authorization of the transaction if a micropayment is involved.

Thus, the claimed invention handles authorization of a transaction differently based upon whether a micropayment is involved. In *Ronen*, it appears that authorization of the transaction is handled in the same manner for all transactions. Specifically, the authorization process described at Col. 5, l. 45-Col. 6, l. 3 suggests that as long as an "entry exists for the ISP [sic IP] address of the initiating user" and a "billing mechanism is in place, ISP 106 is signaled over the secured link, to authorize the transaction." Once the transaction is completed by ISP 106, transaction server 109 is signaled by ISP 106 to bill the account associated with the IP address for the specific charges associated with the transaction. This authorization mechanism seems to treat all authorizations the same. Moreover, authorization is given based upon having a billing mechanism in place and having an entry in a database, not on any criteria concerning the amount of the payment.

While *Ronen* allows a user to designate different accounts for payment based upon the amount of the transaction (Col. 2, l. 16-30), the above cited passages from *Ronen* indicate that there is no difference in the authorization process. In fact, *Ronen* teaches that a user's account is billed after the user terminates his session with an IAP. (Col. 6, ll. 12-51). The passages concerning billing say nothing about authorization. The fact that a user's telephone account can be billed for certain charges similarly does not teach any differing treatment of authorization for micropayments. One of ordinary skill would understand that charges to a telephone number would generally require authorization. Otherwise, the newspapers would be filled with stories of thieves who signed up for telephone number billing and charged thousands of dollars of items to the phone number and then disappeared.

While Applicant could make further arguments concerning the differences between *Ronen* (and the *Ronen/Weber* combination) as well as the lack of a suggestion to combine the references, there is no reason to do so given the fundamental difference between the teachings of *Ronen* and the claimed invention. *Ronen* teaches the same authorization process for all transactions while the claimed invention uses a different authorization process based upon whether micro-payments are involved. Thus, Claim 1 is allowable over *Ronen/Weber*.

For similar reasons, Claims 19, 33, and 48 are all allowable. All of these claims recite an invention in which an authorization process handles authorization of a transaction differently based upon whether a micropayment is involved. Claims 2, 4-6, 8-18 and 55 depend directly or indirectly upon Claim 1. Claims 20-46 and 56-57 depend directly or indirectly upon Claim 33. Claims 50, 52-54, and 58-59 depend directly or indirectly on

Claim 48. For the same reasons that independent claims 1, 19, 33 and 48 are allowable, these dependent claims are also allowable.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of all pending claims.

Applicant does not believe any fees are due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 05-0765 of Electronic Data Systems Corporation. If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney at the number provided below.

Respectfully submitted,  
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